

Antidegradation Path to Effective Rule

- 3-14-12 Water Pollution Control Board (WPCB) gives final adoption to rulemaking.
- 3-15-12 Office of Legal Counsel Rulewriter begins preparing promulgation packet for submission to IN Attorney General while waiting for official transcript of the hearing to be delivered to IDEM from the court reporter. A long transcript usually takes a month.
- At this same time, Office of Water Quality (OWQ) staff should confer with EPA to establish exactly what EPA wants to receive in IDEM's package submitted to EPA requesting approval of the antideg rule.
- 4-16-12 Completed Promulgation Packet (PP) (including final hearing transcript) routed internally within IDEM for review/approval.
- 4-23-12 PP submitted to Office of the Attorney General. The AG has 45 days to review, approve, send back to agency for issues that could result in recall or withdrawal, but this schedule is premised that recall or withdrawal will not be necessary.
- 6-7-12 AG completes review and approves PP, which is then transferred to the Office of the Governor who has 15 days to sign the rule, take another 15 days for consideration, or reject the rule. Assumption made here that the Governor will sign within 15 days.
- 6-22-12 Signed rule transferred from Governor's office to the Publisher of the Indiana Register who has 3 days to file the rule. This step usually occurs on the same day the signed rule is transferred, but this schedule allots the entire 3 days for filing.
- 6-25-12 With a signed and filed rule, OWQ staff can submit to the AG a request for certification that the rulemaking was conducted according to Indiana law, one of the usual elements required in the EPA approval package. Receipt of AG's certification has no time limits, but, in the past, it has taken 4 to 6 weeks to receive.
- 7-25-12 Rule Effect Date. Allowing 4 weeks (plus 2 days) for receipt of the AG certification also corresponds with the 30 days after filing by the Publisher for the rule to become effective.
- 7-25-12 Final Rule posting in the Indiana Register occurs on the Wednesday closest to the rule's effective date. OWQ staff prepares and completes the EPA approval package during the time the rule is going through the state's promulgation process and becoming effect.
- August 2012 Based on the foregoing schedule, expect the OWQ rule package for submission to EPA for its approval to be ready by the beginning of August 2012.